

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|---------------------------|---|-------------|
| JIMMY LEE FORD, JR., |) | |
| |) | |
| Petitioner, |) | |
| |) | 1:12CV473 |
| v. |) | 1:99CR364-1 |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

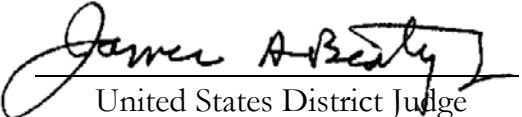
ORDER

On January 14, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed a Notice [Doc. #72] stating that he concurs with the Magistrate Judge's Recommendation, and the Government has not filed any objection within the time allowed by § 636. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #70] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion and Amended Motion to Vacate, Set Aside or Correct Sentence [Doc. #49, #51] are GRANTED, that the Judgment [Doc. #26] is VACATED, and that Count Three of the Indictment [Doc. #1] is DISMISSED. The Clerk is directed to set this matter for resentencing as to Count Two of the Indictment. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the

Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

This, the 12th day of February, 2014.


United States District Judge